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## BEFORE THE ARIZONA CORPORATION COMMISSION

## COMMISSIONERS

DOCKETED

DEC - 9 2003

MARC SPITZER, Chairman  
WILLIAM A. MUNDELL  
JEFF HATCH-MILLER  
MIKE GLEASON  
KRISTIN K. MAYES

DOCKETED BY

012

IN THE MATTER OF THE APPLICATION OF  
VIATEL SERVICES, INC. FOR CANCELLATION  
OF ITS CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE COMPETITIVE  
RESOLD TELECOMMUNICATIONS SERVICES  
EXCEPT LOCAL EXCHANGE SERVICES.

DOCKET NO. T-03790A-01-0635

DECISION NO. 66591ORDER

Open Meeting  
December 2 and 3, 2003  
Phoenix, Arizona

**BY THE COMMISSION:**

Having considered the entire record herein and being fully advised in the premises, the Commission finds, concludes, and orders that:

**FINDINGS OF FACT**

1. On June 30, 2000, in Decision No. 62726, the Commission granted to Viatel Services, Inc. ("Viatel" or "Applicant") a Certificate of Convenience and Necessity ("CC&N") authorizing it to provide competitive interLATA/intraLATA resold telecommunications services, except local exchange services, in Arizona.

2. On August 3, 2001, Viatel filed in this docket an application requesting that the Commission withdraw its tariff on file with the Commission. The application stated that Viatel filed a Chapter 11 bankruptcy petition on May 2, 2001, and discontinued the provision of all services in the United States.

3. On October 30, 2003, the Commission's Utilities Division Staff ("Staff") filed a Staff Report in this matter, recommending that Viatel's CC&N be cancelled.

4. Staff states that Viatel did not exercise its authority to provide telecommunications services in the State of Arizona. Staff further states that Viatel does not service any intrastate customers, and no prepayments, deposits, or advances would be at risk by cancellation of Viatel's

1 CC&N.

2 5. Numerous other carriers in Arizona offer services similar to those that Viatel is  
3 currently certificated to provide.

4 6. No Arizona customers will be affected by the requested cancellation.

5 CONCLUSIONS OF LAW

6 1. Applicant is a public service corporation within the meaning of Article XV of the  
7 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

8 2. The Commission has jurisdiction over Applicant and the subject matter of the  
9 application.

10 3. The cancellation of Applicant's CC&N is in the public interest.

11 4. Staff's recommendations in Findings of Fact No. 3 are reasonable and should be  
12 adopted.

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ORDER

IT IS THEREFORE ORDERED that the application of Viatel Services, Inc. for the withdrawal of its tariff is hereby approved.

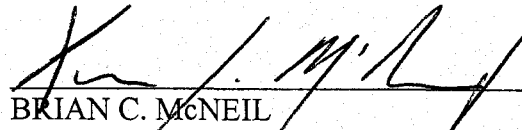
IT IS FURTHER ORDERED that Viatel Services, Inc.'s Certificate of Convenience and Necessity is hereby cancelled.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

  
CHAIRMAN  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER

IN WITNESS WHEREOF, I BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this 9<sup>th</sup> day of December, 2003.

  
BRIAN C. McNEIL  
Executive Secretary

DISSENT: \_\_\_\_\_

DISSENT: \_\_\_\_\_

TW:mlj

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VIATEL SERVICES, INC.

2 DOCKET NO.:

T-03790A-01-0635

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